

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

John Does 151–166,

Plaintiffs,

v.

The Ohio State University,

Defendant.

Case No. 2:20-cv-3817

Judge Michael H. Watson

Magistrate Judge Preston Deavers

OPINION AND ORDER

Plaintiff 162 ("Plaintiff") is the only remaining plaintiff in this case. Plaintiff sues The Ohio State University ("Ohio State") based on sexual abuse he suffered at the hands of Dr. Strauss ("Strauss") when he visited Ohio State as a high school student. Amend. Compl., ECF No. 28. He sues Ohio State under a Title IX heightened risk theory. *Id.* ¶¶ 156–76. It appears Plaintiff bases his Title IX theory on the abuse by Strauss and Ohio State's contemporaneous response—or lack thereof—when it learned about that abuse. *Id.* Ohio State moves to dismiss all claims. Mot. Dismiss, ECF No. 31. Plaintiff responded, Resp. ECF No. 34, and Ohio State replied. Reply, ECF No. 37.

The Court **GRANTS** Ohio State's motion to dismiss for the reasons set forth in the Opinions and Orders issued in *Garrett* and *Ratliff*. Case Nos. 2:18-cv-692 and 2:19-cv-4746. The reasons requiring dismissal in those cases apply

equally to this case. See, e.g., Amend. Compl. ¶¶ 10, 13, 28, 31, 71–88, 115, 124–25, ECF No. 28.

Finally, the Court does not address the standing arguments. Whether Plaintiff has standing to sue under Title IX as a non-student is irrelevant in light of the Court's conclusion that the claim is barred by the statute of limitations.

The Court hopes that, notwithstanding the Court's ruling on the statute of limitations issue and fact that Ohio State's voluntary settlement program has closed, Ohio State will stand by its promise to "do the right thing," and continue settlement discussions with Plaintiff.

The Clerk is **DIRECTED** to enter judgment for Ohio State and close the case.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT